

1 Darren J. Campbell, Bar No. 223088
2 Chris M. Heikaus Weaver, Bar No. 231907
3 Aitken Campbell Heikaus Weaver, LLP
4 2030 Main St., Suite 1300
5 Irvine, California 92614
6 Telephone: (949) 236-4626
7 Facsimile: (949) 271-4046

8 Attorneys for Plaintiff
9 LORAN CANDELAS

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 29 2019

B. Miller *Bm*

JCW
JUL 29 2019

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE**

LORAN CANDELAS, an individual,

Plaintiff,

v.

CITY OF CATHEDRAL CITY, a public
entity; TRAVIS WALKER, an individual;
and DOES 1 through 150, inclusive,

Defendants.

) Case No.

PSC 1905210

) **COMPLAINT AND DEMAND FOR JURY
TRIAL**

-) 1. SEX-BASED HARASSMENT (GOVT CODE
) §§ 12940 ET SEQ);
) 2. SEX-BASED DISCRIMINATION (GOVT
) CODE §§ 12940 ET SEQ);
) 3. FAILURE TO PREVENT DISCRIMINATION
) (GOVT CODE §§ 12940 ET SEQ);
) 4. VIOLATION OF THE RALPH ACT (CIVIL
) CODE § 51.7)
) 5. INTENTIONAL INFLICTION OF
) EMOTIONAL DISTRESS; and
6. BATTERY.

1 Darren J. Campbell, Bar No. 223088
2 Chris M. Heikaus Weaver, Bar No. 231907
3 Aitken Campbell Heikaus Weaver, LLP
4 2030 Main St., Suite 1300
5 Irvine, California 92614
6 Telephone: (949) 236-4626
7 Facsimile: (949) 271-4046

8 Attorneys for Plaintiff
9 LORAN CANDELAS

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 29 2019

B. Miller *Bum*

ICW

JUL 29 2019

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

LORAN CANDELAS, an individual,

Plaintiff,

v.

CITY OF CATHEDRAL CITY, a public
entity; TRAVIS WALKER, an individual;
and DOES 1 through 150, inclusive,

Defendants.

) Case No.

PSC 1905210

) **COMPLAINT AND DEMAND FOR JURY**
) **TRIAL**

-) 1. SEX-BASED HARASSMENT (GOVT CODE
) §§ 12940 ET SEQ);
) 2. SEX-BASED DISCRIMINATION (GOVT
) CODE §§ 12940 ET SEQ);
) 3. FAILURE TO PREVENT DISCRIMINATION
) (GOVT CODE §§ 12940 ET SEQ);
) 4. VIOLATION OF THE RALPH ACT (CIVIL
) CODE § 51.7)
) 5. INTENTIONAL INFLICTION OF
) EMOTIONAL DISTRESS; and
) 6. BATTERY.

GENERAL ALLEGATIONS

1
2 1. At all times material to this Complaint, Plaintiff Loran Candelas was a resident of Riverside County,
3 California (hereinafter "Plaintiff").

4 2. At all times material to this Complaint, Defendant City of Cathedral City is a public entity in
5 Riverside County, California (hereinafter "Cathedral City").

6 3. At all times material to this Complaint, Defendant Travis Walker (hereinafter "Walker"), Plaintiff is
7 informed and believes and based thereon alleges was a resident of a Riverside County (collectively,
8 Cathedral City and Walker are referred to as "Defendants").

9 4. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of them, including
10 those designated herein as DOES 1 through 150, inclusive, are responsible in some manner for the
11 occurrences and happenings, as well as such acts and omissions as are more fully alleged herein, and that
12 Plaintiff's injuries, damages and losses, as alleged below, were and are the direct and proximate result of the
13 actions or omissions of said Defendants.

14 5. Furthermore, each of the Defendants are sued as the principals, agents, partners, servants,
15 employees, officers, directors, subsidiaries, corporate affiliates, alter egos, conspirators and co-conspirators,
16 joint ventures of each of the remaining Defendants. Each of the Defendants were acting within the course,
17 scope and authority of such relationship, and with the knowledge, consent, approval or ratification of the
18 remaining Defendants.

19 6. Does 1 through 150 are sued under the fictitious names pursuant to the Code of Civil Procedure
20 section 474. Plaintiff is informed and believes and on that basis alleges, that each Defendant sued under
21 such fictitious names is in some manner responsible for the wrongs and damages as alleged below, and in
22 so acting was functioning as the agent, servant, partner and employee of the other Defendants and in doing
23 the actions mentioned below was acting within the course and scope of his or her authority as such agent,
24 servant, partner, and employee with the permission and consent of the other Defendants.

25 7. From August 2010 until June 2017, Plaintiff worked as a Dispatcher for the Cathedral City Police
26 Department. Plaintiff voluntarily resigned and moved out of California with her family in 2017.

27 8. In January 2018, after having spent several months out of California with her family, Defendant,
28 Chief of Police Travis Walker recruited Plaintiff back to the Cathedral City Police Department. Defendant

1 Walker explained to Plaintiff that he had ideas for positions at the police department that he wanted to open
2 up and thought she would fit into some of those positions as he stated he would be creating new
3 opportunities. He even encouraged Plaintiff to obtain a degree in Public Administration if she wanted to be
4 considered for a future supervisor or manager position.

5 9. Plaintiff returned to the Cathedral City Police Department as a Dispatcher in February 2018. At the
6 time of her return, Plaintiff was working night shifts. In trying to be a thoughtful co-worker, she brought in
7 stress relief items for the dispatch group on her shift. She also brought a gift bag for Defendant Walker and
8 a thank you card. The gift bag that she gave to Defendant Walker contained a "S-hook," which is intended
9 to be used by a person to stretch their own back. Instead of using it to stretch his own back, Defendant
10 Walker placed the S-hook between Plaintiff's legs and rubbed her with it. Plaintiff was shocked by
11 Defendant Walker's actions and walked away to begin her shift.

12 10. As the year progressed, on at least 6 to 8 separate occasions, Defendant Walker would try to fondle
13 Plaintiff over and under her shirt. On another occasion, Defendant Walker pulled his penis out and placed it
14 in Plaintiff's hand. Defendant Walker would make up reasons that he needed to see Plaintiff in his office
15 alone and Plaintiff had no choice but to comply with Defendant Walker's demands because he was the
16 Chief of Police. Defendant Walker would grab Plaintiff's hands and force her to touch him.

17 11. Due to the harassment that she was suffering, Plaintiff made the decision to try and find new
18 employment at another local police agency. Since she was applying with other police departments, Plaintiff
19 wanted to speak to Defendant Walker to let him know she was going to start background checks at other
20 police departments and was considering leaving the Cathedral City Police Department. Due to the ongoing
21 sexual harassment, Plaintiff wanted to have this conversation in a public place outside of work.

22 12. On October 3, 2018, Defendant Walker texted Plaintiff that he was at a Law Enforcement
23 conference at the Hotel Miramonte in Indian Wells, CA. In the text message, she saw that Defendant
24 Walker was outside the hotel in front of some fire pits and there were other law enforcement personnel
25 present.

26 13. However, when she arrived, she texted Defendant Walker to confirm where to park. Defendant
27 Walker then guided Plaintiff to his hotel room. When she got to his room, Defendant Walker was wearing
28 only boxer shorts and a shirt. When Plaintiff entered the room, Defendant Walker immediately led her right

1 to the bed, he tried to pull off her clothes, and he was being very aggressive and rough with Plaintiff.

2 14. Since her shoes were still on, it prevented Defendant Walker from taking off her pants, but
3 Defendant Walker was able to pull down Plaintiff's underwear and he put himself inside her. Plaintiff
4 pushed him off, and she left the hotel.

5 15. After the encounter at Defendant Walker's hotel room, Plaintiff was numb. She did not know what
6 to do. Because she needed her job, she continued to work for the Cathedral City Police Department. And,
7 Defendant Walker continued to sexually harass Plaintiff by grabbing and fondling her, including placing his
8 penis in her hand in his office.

9 **EXHAUSTION OF ADMINISTRATIVE REMEDIES AND GOVERNMENT**

10 **TORT CLAIM REQUIREMENTS.**

11 16. On or about June 3, 2019, Plaintiff had a complaint filed against Defendants with California's
12 Department of Fair Employment and Housing ("DFEH") alleging multiple violations of California's Fair
13 Employment and Housing Act ("FEHA"). Plaintiff immediately received a Right To Sue letter from the
14 DFEH.

15 17. On July 3, 2019, Plaintiff provided notice to Defendant regarding her potential claims against
16 Defendants. On July 22, 2019, Plaintiff received notice from representatives of Defendant that her claims
17 of July 3, 2019 were rejected.

18 **FIRST CAUSE OF ACTION**

19 **SEXUAL HARASSMENT (GOVT CODE §§ 12940 ET SEQ)**

20 **(Against All Defendants and DOES 1-150)**

21 18. Plaintiff realleges and incorporates herein by reference each of the allegations set forth above as if
22 fully set forth herein.

23 19. At all times herein mentioned, the FEHA, embodied in Government Code section 12940, was in full
24 force and effect. This Act prohibits harassment based on sex. Employers, like Cathedral City, are strictly
25 liable for harassment carried out by supervisors, like Defendant Walker, in the workplace.

26 20. Defendant Walker sexually harassed Plaintiff as set forth above. Further, Defendant Walker's
27 harassment of Plaintiff was both severe and pervasive.

28 21. Plaintiff believes and thereon alleges that Cathedral City is a qualified employer subject to the

1 requirements of FEHA.

2 22. Plaintiff further believes and thereon alleges that Cathedral City, and each of the defendants, knew
3 of Defendant Walker's sexual harassment of her.

4 23. As a result of the sexual harassment suffered by Plaintiff, she has suffered from stress and anxiety
5 which has negatively impacted her physical and emotional condition.

6 24. As a direct and proximate cause of the sexual harassment, Plaintiff has suffered and continues to
7 suffer general, compensatory, and special damages, including lost wages and benefits, future loss of wages
8 and benefits, and emotional distress and physical illness in an amount unknown, but according to proof at
9 trial.

10 25. Moreover, Plaintiff is entitled to attorneys' fees and costs for bringing suit alleging these violations.
11 Plaintiff has incurred and continues to incur legal expenses and attorneys' fees as a result of her FEHA
12 claims against Defendants. Plaintiff is presently unaware of the precise amount of these expenses and fees,
13 but seeks an award of attorneys' fees and costs according to proof at trial.

14 26. Defendant Walker's egregious acts of sexual harassment were willful and malicious and in
15 conscious disregard of Plaintiff's rights with the intent to vex, injure and annoy her, such as to constitute
16 oppression, fraud and/or malice under California Civil Code § 3294. Defendant Walker's conduct, as
17 described above, was carried out by him in his official capacity as Cathedral City's Chief of Police.
18 Accordingly, Plaintiff is entitled to punitive damages in an amount appropriate to punish and make an
19 example of Defendant Walker.

20 **SECOND CAUSE OF ACTION**

21 **SEX-BASED DISCRIMINATION (GOVT CODE §§ 12940 ET SEQ)**

22 **(Against Defendant Cathedral City and DOES 1-150)**

23 27. Plaintiff realleges and incorporates herein by reference each of the allegations set forth above as if
24 fully set forth herein.

25 28. At all times herein mentioned, the FEHA, embodied in Government Code section 12940, was in full
26 force and effect. This Acts prohibit discrimination and retaliation based on sex, as well as on other grounds.

27 29. Plaintiff believes, and thereon alleges, that Cathedral City is a qualified employer subject to the
28 requirements of the FEHA.

1 30. Plaintiff further believes and alleges that Cathedral City discriminated against her on the basis of her
2 sex. The discrimination included Defendant Walker's egregious sexual harassment of her. Plaintiff is
3 informed and believes and based thereon alleges that she was not promoted as previously promised by
4 Defendant Walker because she would not consent to his sexual advances.

5 31. As a direct and proximate cause of Cathedral City's conduct, Plaintiff has suffered and continues to
6 suffer general, compensatory, and special damages, including lost wages and benefits, future loss of wages
7 and benefits, and emotional distress and physical illness in an amount unknown, but according to proof at
8 trial.

9 32. Moreover, Plaintiff is entitled to attorneys' fees and costs for bringing suit alleging these violations.
10 Plaintiff has incurred and continues to incur legal expenses and attorneys' fees as a result of her FEHA
11 claims against Cathedral City and the other defendants. Plaintiff is presently unaware of the precise amount
12 of these expenses and fees, but seeks an award of attorneys' fees and costs according to proof at trial.

13 **THIRD CAUSE OF ACTION**

14 **FAILURE TO PREVENT DISCRIMINATION (GOVT CODE §§ 12940 ET SEQ)**

15 **(Against Defendant Cathedral City and DOES 1-150)**

16 33. Plaintiff realleges and incorporates herein by reference each of the allegations set forth above as if
17 fully set forth herein.

18 34. At all times herein mentioned, the FEHA, embodied in Government Code section 12940, was in full
19 force and effect. This Act requires that employers prevent discrimination in the workplace.

20 35. Plaintiff believes, and thereon alleges, that Cathedral City is a qualified employer subject to the
21 requirements of the FEHA.

22 36. Cathedral City permitted and engaged in discrimination and harassment against Plaintiff. Cathedral
23 City has actively engaged in discrimination against Plaintiff, including, among other things, allowing its
24 male employees to sexually harass Plaintiff, including Plaintiff's direct supervisor, Defendant Walker.

25 37. Cathedral City failed to take any reasonable steps to prevent discrimination against Plaintiff, which
26 resulted in Cathedral City's continued discrimination and unfavorable treatment of Plaintiff compared to her
27 male comparators, including sexual harassment.

28 38. As a result of Cathedral City's failure to prevent discrimination, Plaintiff was discriminated against

1 based on her sex. Plaintiff has suffered from stress and anxiety which has negatively impacted her physical
2 and emotional condition due to Cathedral City's failure to prevent discrimination.

3 39. Plaintiff believes and thereon alleges that any claims of misconduct or performance issues as
4 Cathedral City's basis for any disciplinary actions against Plaintiff are pretextual and meant to disguise the
5 discriminatory reasons for her treatment.

6 40. As a direct and proximate cause of the discrimination, Plaintiff has suffered and continues to suffer
7 general, compensatory, and special damages, including lost wages and benefits, future loss of wages and
8 benefits, and emotional distress and physical illness in an amount unknown, but according to proof at trial.

9 41. Moreover, Plaintiff is entitled to attorneys' fees and costs for bringing suit alleging these violations.
10 Plaintiff has incurred and continues to incur legal expenses and attorneys' fees as a result of her FEHA
11 claims against Cathedral City and the other defendants. Plaintiff is presently unaware of the precise amount
12 of these expenses and fees, but seeks an award of attorneys' fees and costs according to proof at trial.

13 FOURTH CAUSE OF ACTION

14 VIOLATION OF THE RALPH ACT (CIVIL CODE § 51.7)

15 (Against All Defendants and DOES 1-150)

16 42. Plaintiff realleges and incorporates herein by reference each of the allegations set forth above as if
17 fully set forth herein.

18 59. Defendant Walker committed multiple violent acts against Plaintiff as described in detail above.

19 60. Defendant Walker's perception of Plaintiff's sex was a substantial motivating reason for
20 Defendants' conduct and a reasonable person in Plaintiff's position would believe that Defendant
21 Walker would carry out his threats.

22 61. Plaintiff was intimidated by the threats of Defendant Walker and a reasonable person in
23 Plaintiff's position would have been intimidated by Defendant Walker's conduct.

24 62. Defendant Walker's threats were a substantial factor in causing harm to Plaintiff.

25 63. As a result of the threats of harm perpetrated against Plaintiff she has suffered from stress and
26 anxiety which has negatively impacted her physical and emotional condition.

27 64. As a direct and proximate cause of the sexual harassment, Plaintiff has suffered and continues to
28 suffer general, compensatory, and special damages, including lost wages and benefits, future loss of wages

1 and benefits, and emotional distress and physical illness in an amount unknown, but according to proof at
2 trial.

3 65. Moreover, Plaintiff is entitled to attorneys' fees and costs for bringing suit alleging these violations.
4 Plaintiff has incurred and continues to incur legal expenses and attorneys' fees as a result of her Ralph Act
5 claims. Plaintiff is presently unaware of the precise amount of these expenses and fees, but seeks an award
6 of attorneys' fees and costs according to proof at trial.

7 66. The conduct of Defendant Walker was willful and malicious and in conscious disregard of
8 Plaintiff's rights with the intent to vex, injure and annoy her, such as to constitute oppression, fraud and/or
9 malice under California Civil Code § 3294. Defendant Walker's conduct, as described above, was carried
10 out by him in his official capacity as Cathedral City's Chief of Police. Accordingly, Plaintiff is entitled to
11 punitive damages in an amount appropriate to punish and make an example of Defendant Walker.

12 **FIFTH CAUSE OF ACTION**

13 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

14 **(Against Defendant Walker and DOES 1-150)**

15 67. Plaintiff realleges and incorporates herein by reference each of the allegations set forth above as if
16 fully set forth herein.

17 68. In perpetuating the harassment and discrimination against Plaintiff and other offensive conduct
18 described herein, Defendant Walker and each of the DOE Defendants, abused the special positions they
19 held in relation to Plaintiff. Defendant Walker and each of the DOE Defendants, acted with the knowledge
20 that they could manipulate and damage Plaintiff's interest and well-being.

21 69. Plaintiff was able to and did perform the essential functions of her position. Plaintiff believes and
22 thereon alleges that Defendant Walker and each of the DOE Defendants, intended to and did cause Plaintiff
23 to suffer from emotional distress because she was harassed and discriminated against.

24 70. As a result of these acts, Plaintiff suffered from stress and anxiety which negatively impacted her
25 physical and emotional condition.

26 71. Through Defendant Walker's and each of the DOE Defendants' outrageous and unprivileged
27 conduct as described herein and above, Defendant Walker and each of the DOE Defendants, acted with the
28 intent to cause, or with a reckless disregard for the probability of causing, Plaintiff to suffer humiliation,

1 isolation, mental anguish, loss of job opportunities and reputation, and severe physical and emotional
2 distress.

3 72. As a direct and proximate result of Defendant Walker's, and each of their acts, Plaintiff suffered and
4 continues to suffer general, compensatory, and special damages, including lost wages and benefits, future
5 loss of wages and benefits, loss of career opportunities, prejudgment interest, consequential and incidental
6 damages, plus tort damages including humiliation, isolation, emotional distress and physical injuries in an
7 amount unknown, but according to proof at trial.

8 74. Based on Defendant Walker's, and each of their course of conduct, which was willful, malicious,
9 knowing, intentional, and in conscious disregard for Plaintiff's rights and safety, Plaintiff seeks an award of
10 punitive and exemplary damages in an amount according to proof at trial to punish Defendant Walker, and
11 deter similar conduct in the future.

12 SIXTH CAUSE OF ACTION

13 BATTERY

14 (Against Defendant Walker and DOES 1-150)

15 43. Plaintiff realleges and incorporates herein by reference each of the allegations set forth above as if
16 fully set forth herein.

17 44. Defendant Walker, in the course and scope of her employment as Chief of Police of Cathedral City,
18 touched Plaintiff with the intent to harm or offend Plaintiff.

19 45. Plaintiff did not consent to this touching.

20 46. Plaintiff was harmed by Defendant Walker's conduct and has suffered damage in an amount to be
21 proven at trial.

22 47. Defendant Walker's battery of Plaintiff was willful and malicious and in conscious disregard of
23 Plaintiff's rights with the intent to vex, injure and annoy her, such as to constitute oppression, fraud and/or
24 malice under California Civil Code § 3294. Accordingly, Plaintiff is entitled to punitive damages in an
25 amount appropriate to punish and make an example of Defendant Walker.

26 WHEREFORE, Plaintiff prays for judgment as follows:

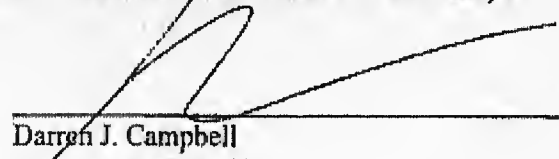
- 27 I. General and compensatory damages including all lost wages, in a sum according to proof at
28 time of trial;

2. Consequential and incidental damages in a sum according to proof at time of trial;
3. Damages for mental and emotional distress in a sum according to proof at time of trial;
4. General and special damages in a sum according to proof at time of trial;
5. Penalties in a sum according to proof at time of trial;
6. Payment of Plaintiff's reasonable and actual attorney fees in a sum according to proof at time of trial;
7. For costs of suit herein incurred;
8. Injunctive relief against Defendant Cathedral City;
9. Pre-judgment interest at the legal prevailing rate;
10. Punitive and exemplary damages in a sum according to proof at time of trial as against Defendant Walker;
11. Statutory penalties; and
12. For such other and further relief as the Court deems just and proper.

Dated: July 29, 2019

AITKEN CAMPBELL HEIKAUS WEAVER, LLP

By


Darren J. Campbell
Attorney for Plaintiff
LORAN CANDELAS

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands trial of her claims by jury to the extent authorized by law.

3 Dated: July 29, 2019

AITKEN CAMPBELL HEIKAUS WEAVER, LLP

4
5 By

6 
7 _____
8 Darren J. Campbell
9 Attorney for Plaintiff
10 LORAN CANDELAS
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28